

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

EDWIN H. CROSBY,
Plaintiff,

v.

ORDER
07-CV-478A

UNITED STATES OF AMERICA,

Defendant.

The above-referenced case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). On April 13, 2009, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is granted.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: May 1, 2009